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Before the  
**Federal Communications Commission**  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of ) MM Docket No. 92-282  
)  
Amendment of Section 73.202(b), ) RM-8080  
Table of Allotments, ) RM-  
FM Broadcast Stations, ) RM-  
(Marco, Punta Gorda, and )  
Charlotte Harbor, Florida) )

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**REPLY COMMENTS**  
**OF**  
**INTERMART BROADCASTING SOUTHWEST FLORIDA, INC.**  
**AND**  
**NAPLES BROADCASTING CORPORATION**

InterMart Broadcasting Southwest Florida, Inc.  
("InterMart"), licensee of WQLM-FM, Channel 225C2, Punta  
Gorda, Florida, and Naples Broadcasting Corporation  
("Naples"), licensee of WGUF(FM), Channel 224A, Marco,  
Florida (collectively referred to as "Joint Commenters"),  
submit their Reply Comments in the above-captioned docketed  
rule making proceeding.<sup>1</sup>

Other than their own, the only comments in this docket  
were filed by the University of South Florida on December 3,  
1992, supporting the allotment of Channel \*255A as a non-  
commercial FM educational channel at Marco, and by Ruth  
Communications Corporation ("Ruth") on January 19, 1993.  
Ruth is permittee of WRWX, Channel 253A, Sanibel, Florida.

<sup>1</sup> Replies are due on or before February 5, 1993.

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The Joint Comments and Counterproposal filed by Joint Commenters addressed the allocation aspects of the University of South Florida's request to allot Channel \*255A to Marco. There is no need to revisit that aspect of the proceeding here.

However, it is necessary to address Ruth's Comments. Ruth noted its pending rule making proceeding<sup>2</sup> which seeks to change the city of license of WRWX from Sanibel to San Carlos Park, Florida. Channel 253A at either San Carlos Park or Sanibel has a second adjacent relationship with the proposed use of Channel 255A at Marco, so Ruth asked that a site restriction be imposed on the Marco channel, if necessary to protect Ruth's proposal.

Attached hereto is a Technical Exhibit prepared by Joint Commenters' technical consultant which shows that there is no need to impose any additional site restriction on the proposed Marco allotment. The proposed reference site for Channel 255A at Marco meets the minimum spacing requirements to the Ruth proposal.

WHEREFORE, Joint Commenters again respectfully request the Commission to rearrange the Table of Allotments as follows:

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<sup>2</sup> Notice of Proposed Rule Making (Sanibel and San Carlos Park), 7 FCC Rcd 850 (1992).

**Changed Allotments**

<b><u>CITY</u></b>	<b><u>PRESENT</u></b>	<b><u>CHANNEL NO.</u></b>	<b><u>PROPOSED</u></b>
Charlotte Harbor, FL	---		225C1
Punta Gorda, FL	225C2		--- <sup>3</sup>
Marco, FL	224A, 266C1		255A, 266C1

Respectfully submitted,

**INTERMART BROADCASTING  
SOUTHWEST FLORIDA, INC.**

**and**

**NAPLES BROADCASTING CORPORATION**

By: 

Gary S. Smithwick  
Their Attorney

**SMITHWICK & BELENDIUK, P.C.**  
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Suite 510  
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(202) 785-2800

February 5, 1993

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<sup>3</sup> Radio Station WCCF(AM) is licensed to Punta Gorda, Florida.

REPLY COMMENTS  
MM DOCKET #92-282  
INTERMART BROADCASTING SW FLORIDA, INC.  
NAPLES BROADCASTING CORPORATION  
CHARLOTTE HARBOR AND MARCO, FLORIDA  
February 1993

Technical Exhibit  
TE-1

Bromo Communications, Inc.  
P.O. Box M - 1331 Ocean Boulevard, Suite 201  
St. Simons Island, Georgia 31522  
(912) 638-5608

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INTERMART BROADCASTING SW FLORIDA, INC.  
NAPLES BROADCASTING CORPORATION  
CHARLOTTE HARBOR AND MARCO, FLORIDA  
February 1993

TECHNICAL STATEMENT

1. This technical statement and attached exhibits were prepared on behalf of Intermart Broadcasting Southwest Florida, Inc. ("Intermart"), licensee of WQLM-FM, Channel 225C2, Punta Gorda, Florida, and Naples Broadcasting Corporation ("Naples"), licensee of WGUF, Channel 224A, Marco, Florida. Intermart and Naples, Joint Commenters, filed comments and a counterproposal in the above referenced docket. The Joint Commenters requested to upgrade WQLM-FM from Channel 225C2 to Channel 225C1 and the reallocation of the improved channel from Punta Gorda, Florida, to Charlotte Harbor, Florida, as that community's first local service. In order to effectuate the upgrade for WQLM-FM, it was necessary to substitute Channel 255A for Channel 224A at Marco, Florida. The specifics of the requests were contained in the initial comments and counterproposal and are incorporated herein by reference.

BACKGROUND

2. In addition to the comments filed by the Joint Commenters, comments were also filed by Ruth Communications

Corporation ("Ruth"), permittee of WRWX, Channel 253A, Sanibel, Florida. Ruth's comments noted its on-going rule making proceeding, which seeks to change the city of license of WRWX from Sanibel to San Carlos Park, Florida. Since Channel 253A at either San Carlos Park or Sanibel has a second adjacent relationship with the proposed use of Channel 255A at Marco, Ruth filed comments in this instant proceeding.

### DISCUSSION

3. The Joint Commenters note that its proposed use of Channel 255A at Marco, Florida, meets §73.207 spacing clearances to the authorized facilities of WRWX in Sanibel, as well as the proposed addition of Channel 253A to San Carlos Park.<sup>1</sup> The coordinates proposed by the Joint Commenters in its counterproposal at Marco, Florida, were the same as issued in the Commission's Notice of Proposed Rule Making in Docket #92-282. Attached, as Exhibit #1, is a §73.207 spacing study for Channel 255A at Marco, Florida.

4. Since the proposed reference site for Channel 255A at Marco, Florida, meets the minimum spacing requirements to the Ruth requests, there is no need to introduce any addi-

1) The NTIA database reflects the proposed addition of Channel 253C3 to San Carlos Park, Florida. The Joint Commenters' proposed Channel 255A substitution at Marco, Florida, also meets §73.207 spacing to Channel 253C3, although the Commission returned Ruth's petition for Channel 253C3 without further consideration.

tional site restrictions on the proposed Marco allotment. <sup>2</sup>  
Therefore, no further site restriction to the proposed  
Channel 255A substitution at Marco is necessary to  
accommodate the proposed Ruth change of community of license  
at Sanibel/San Carlos Park.

5. The foregoing technical statement was prepared on  
behalf of Intermart and Naples by Bromo Communications, Inc.,  
their Technical Consultant. Should any questions arise  
during consideration of these comments, we welcome the  
opportunity to discuss the matter by phone at (912) 638-5608.  
All of the technical data relating to adjacent channel  
stations, contained in the exhibits, was extracted from the  
NTIA FM database, updated in January, 1993. We assume no  
liability for omissions or errors in the database which may  
be adverse to any of the proposals contained herein.

2) The present reference site for Channel 255A at Marco, Florida, is already site  
restricted. It should also be noted that Channel 255A at the present WGUF, Channel  
224A, site at Marco, likewise, meets §73.207 spacing requirements to the Ruth request  
at either Sanibel or San Carlos Park.

SECTION 73.207 SPACING STUDY FOR CHANNEL 255A MARCO, FLORIDA  
USING PROPOSED ALLOCATION SITE AS REFERENCE

REFERENCE  
25 59 57 N  
81 38 38 W

CLASS A  
Current rules spacings  
CHANNEL 255 - 98.9 MHz

DISPLAY DATES  
DATA 01-04-93  
SEARCH 02-03-93

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-M1	R-KM R-M1	MARGIN (KM)
AD255	255A	Marco	FL	0.0	0.00	115.0	-115.00
AD	25 59 57	81 38 38	0.000 kW	OM	0.0	71.5	
PRM - MM Docket # 92-282 RM8080							
AD255	255A	Murdock	FL	331.6	115.26	115.0	0.26
AD	26 54 50	82 11 40	0.000 kW	OM	71.6	71.5	
Highlands Media Company, Inc.							
WJBX	257C2	Fort Myers Beach	FL	339.5	59.84	55.0	4.84
LI ZCN	26 30 18	81 51 14	50.000 kW	87M	37.2	34.2	
Schefflera, Inc. BLH920729KC							
AD255	255A	Murdock	FL	336.0	122.80	115.0	7.80
AD	27 00 42	82 08 42	0.000 kW	OM	76.3	71.5	
Murdock Broadcasting RM6915							
WEDR	256C1	Miami	FL	91.4	143.71	133.0	10.71
LI CN	25 57 59	80 12 33	100.000 kW	280M	89.3	82.7	
WEDR, Inc. BLH900430KA							
WKGR	254C	Fort Pierce	FL	45.1	176.39	165.0	11.39
LI CN	27 07 20	80 23 21	100.000 kW	421M	109.6	102.6	
Amaturo Group, Ltd. BLH800428AB							
AD253	253C3	San Carlos Park	FL	322.1	62.46	42.0	20.46
AD	26 26 38	82 01 41	0.000 kW	OM	38.8	26.1	
Ruth Communications Corp.							
>Site Restricted 22.7 km West-Change of Community of License							
WOZNFM	254C1	Key West	FL	183.8	157.73	133.0	24.73
LI CN	24 34 42	81 44 49	100.000 kW	38M	98.0	82.7	
Key West Communications, Inc. BLH910110KA							
AD253	253A	San Carlos Park	FL	334.9	61.34	31.0	30.34
AD	26 30 02	81 54 16	0.000 kW	OM	38.1	19.3	
Ruth Communications Corp. RM7865							
WRT0.C	252C	Goulds	FL	113.3	128.40	95.0	33.40
CPM CN	25 32 24	80 28 07	100.000 kW	429M	79.8	59.0	
Licensee Corporation #2 BMPH920130IC							
WRWX.C	253A	Sanibel	FL	323.6	73.54	31.0	42.54
CPM CN	26 32 01	82 04 50	2.600 kW	149M	45.7	19.3	
Ruth Communications Corp. BMPH900731IB							

SECTION 73.207 SPACING ANALYSIS

EXHIBIT #1

REPLY COMMENTS

MM DOCKET #92-282

INTERMART BCTG SW FL, INC  
NAPLES BCTG CORP  
CHARLOTTE HARBOR/MARCO, FL

February 1993

**BROMO**  
**COMMUNICATIONS**

St Simons Island, Georgia

BROADCAST  
TECHNICAL CONSULTANTS

Washington, D.C.



AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

State of Georgia     )  
St. Simons Island    )  
County of Glynn       )

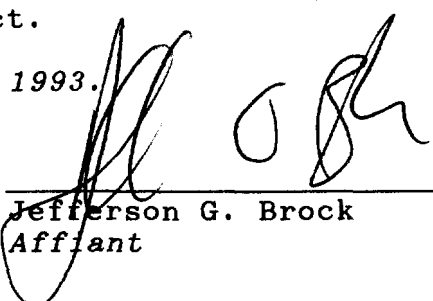
ss:

JEFFERSON G. BROCK being duly sworn, deposes and says that he is an officer of Bromo Communications, Inc. Bromo has been engaged by Intermart Broadcasting Southwest Florida, Inc., and Naples Broadcasting Corporation to prepare the attached Technical Exhibit.


His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 2nd day of February, 1993.

  
\_\_\_\_\_  
Jefferson G. Brock  
Affiant

Sworn to and subscribed before  
me this the 2nd day of February, 1993.

  
\_\_\_\_\_  
Notary Public, State of Georgia  
My Commission Expires: September 8, 1995

**CERTIFICATE OF SERVICE**

I, Patricia A. Neil, a secretary in the law firm of Smithwick, & Belendiuk, P.C., certify that on this 5th day of February, 1993, copies of the foregoing were mailed, postage prepaid, to the following:

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\*by hand